

EXHIBIT 1
DATE 2/6/07
HB 286

Amendments to House Bill No. 486
1st Reading Copy

Requested by Representative John Ward

For the House Judiciary Committee

Prepared by Leanne Heisel
February 5, 2007 (12:35pm)

1. Title, line 5 through line 10.

Strike: "REQUIRING" on line 5 through "61-6-301," on line 10

Insert: "PROVIDING PENALTIES FOR INDIVIDUALS FOUND TO BE IN
VIOLATION OF MANDATORY LIABILITY INSURANCE LAWS; CREATING A
MECHANISM FOR VIOLATORS TO REINSTATE PRIVILEGES; AND
AMENDING SECTION 61-6-304,"

2. Page 1, line 14 through page 5, line 1.

Strike: everything after the enacting clause

Insert: "Section 1. Section 61-6-304, MCA, is amended to read:

**"61-6-304. Penalties -- driver's license suspension --
proof of financial responsibility.** (1) Conviction of a first
offense under 61-6-301 or 61-6-302 is punishable by a fine of not
less than \$250 or more than \$500 or by imprisonment in the county
jail for not more than 10 days, or both. A second conviction is
punishable by a fine of \$350 or by imprisonment in the county
jail for not more than 10 days, or both. A third or subsequent
conviction is punishable by a fine of \$500 or by imprisonment in
the county jail for not more than 6 months, or both.

(2) ~~Upon a second or subsequent conviction under 61-6-301
or 61-6-302, the sentencing court shall order the surrender of
the vehicle registration receipt and license plates for the
vehicle operated at the time of the offense if that vehicle was
operated by the registered owner or a member of the registered
owner's immediate family or by a person whose operation of that
vehicle was authorized by the registered owner. The court shall
send the receipt and plates, along with a copy of the complaint
and dispositional order, to the department, which shall
immediately suspend the receipt and plates. The receipt and
plates may not be reinstated until proof of compliance with
61-6-301 is furnished to the department, but if the vehicle is
transferred to a new owner, the new owner is entitled to register
the vehicle. Upon proof of compliance with 61-6-301, during the
period of 90 days from the date of a second conviction or 180
days from the date of a third or subsequent conviction, the
department shall issue a restricted registration receipt and
return the license plates to the offender. A restricted
registration receipt limits the use of the motor vehicle operated
at the time of the offense to use solely for employment purposes.
Upon the expiration of the appropriate time period, the~~

~~department shall issue a regular registration receipt to the owner of the vehicle. The department may establish fees for the restricted registration receipts issued pursuant to this subsection.~~

~~(3)(2) (a) Upon a fourth or subsequent report of a second or subsequent conviction under 61-6-301 or 61-6-302, the court shall order the surrender of the driver's license of the offender, if the vehicle operated at the time of the offense was registered to the offender or a member of the offender's immediate family. The court shall send the driver's license, along with a copy of the complaint and the dispositional order, to the department, which shall immediately suspend the driver's license. The department may not reinstate a driver's license suspended under this subsection until the registered owner provides the department proof of compliance with 61-6-301 and the department determines that the registered owner is otherwise eligible for licensure department shall suspend the person's driver's license until the person, if otherwise eligible for licensure, has paid the license reinstatement fee pursuant to 61-5-218 and, commencing from the date of license reinstatement, provides the department with proof of financial responsibility by one of the methods allowed pursuant to 61-6-133 through 61-6-140, which must be continuously maintained for:~~

~~(i) 1 year upon a second conviction under 61-6-301 or 61-6-302; and~~

~~(ii) 3 years upon a third or subsequent conviction under 61-6-301 or 61-6-302.~~

~~(b) Upon notice of cancellation or termination of a motor vehicle liability policy certified under 61-6-133 or 61-6-134, the department shall again suspend the person's driver's license and vehicle registration for any motor vehicle described in the policy until proof of financial responsibility is filed with the department or until the expiration of the applicable period prescribed in subsection (2)(a), whichever occurs first.~~

~~(4)(3) The court may suspend a required fine only upon a determination that the offender is or will be unable to pay the fine.~~

~~(5)(4) A court may not defer imposition of penalties provided by this section.~~

~~(6)(5) An offender is considered to have been previously convicted for the purposes of sentencing if less than 5 years have elapsed between the commission of the present offense and a previous conviction."~~

~~{ Internal References to 61-6-304: None. }~~

- END -